

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ERIC FLORES §
VS. § CIVIL ACTION NO. 1:20-CV-150
U.S. DEPARTMENT OF JUSTICE, *et al.*, §

MEMORANDUM OPINION REGARDING VENUE

Plaintiff, Eric Flores, an inmate currently incarcerated at the Telford Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants the U.S. Department of Justice, U.S. Department of Education, and Federal Bureau of Investigation.

The above-styled action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

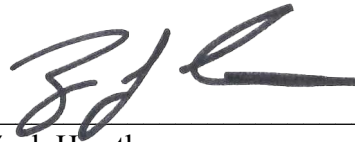
Venue in a civil rights action is determined pursuant to 28 U.S.C. § 1391(b). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where all the defendants reside or in which a substantial part of the events or omissions giving rise to the claim occurred.

Plaintiff's complaint pertains to his treatment while incarcerated at the Telford Unit. The Telford Unit is located in the Eastern District, Texarkana Division. It is clear that all of the events

or omissions giving rise to his claims occurred in the Eastern District of Texas, Texarkana Division. Venue, therefore, is not proper in the Eastern District of Texas, Beaumont Division.¹

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. 1406(a). Plaintiff’s claims should be transferred to the Eastern District of Texas, Texarkana Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 16th day of April, 2020.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn
United States Magistrate Judge

¹Plaintiff is a three striker and is currently barred from filing any complaint without seeking permission first. In addition, plaintiff has been sanctioned by the Fifth Circuit Court of Appeals and other district courts. Plaintiff has filed over 140 frivolous cases.